

Thomas Jefferson to Senate, January 1, 1792, Draft on Diplomatic Nominations, from the Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

DRAFT OF PRESIDENT'S MESSAGE ON DIPLOMATIC NOMINATIONS² J. MSS.

² Endorsed "not sent." There is a first or rough draft of this paper, also, which is somewhat fuller and quotes from the Constitution. The message was probably prepared in consequence of the Senate resolution of Dec. 30, 1791: "*Resolved*, That the Senate do not possess evidence sufficient to convince them that it will be for the interest of the United States to appoint Ministers Plenipotentiary to reside permanently at foreign Courts." The contest led to an interview between a Senate Committee and Jefferson (see I, 186), after which the Senate rescinded their resolution, and confirmed the appointments. This message was in consequence unnecessary. *Cf.* with Opinion, *ante*, p. 49.

[Jan. 1–4, 1792.]

Gentlemen of the Senate, —

Your house has been pleased to communicate to me their resolutions, purporting a decision by them that it is expedient from whence an implication arises that in their opinion they might have decided that no such appointments were expedient.

After mature consideration & consultation, I am of opinion that the constitution has made the President the sole competent judge to what plates circumstances render it expedient that Ambassadors or other public ministers should be sent, & of what grade they should

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be: and that it has ascribed to the Senate no executive act but the single one of giving or withholding their consent to the person nominated.

I think it my duty therefore to protest, & do protest against the validity of any resolutions of the Senate asserting or implying any right in that house to exercise any executive authority, but the single one before mentioned.

It is scarcely necessary to add that nothing herein is meant to question their right to concur in making treaties: this being considered not as a branch of Executive, but of Legislative powers, placed by the constitution under peculiar modifications.